

REMARKS/ARGUMENTS

The claim amendments require no additional search or examination, and the claims as amended are patentable for the same reasons as the independent claims from which they depend. The amendment is requested to further clarify potential ambiguity in the claims. The claims have not been earlier amended as the need for the amendments was not appreciated when the Amendment and Response was filed. Please charge any deficiency or credit any overpayment to Deposit Account 19-1970.

Applicant wishes to clarify the intended meaning of certain claim language in light of the Federal Circuit decision “SuperGuide Corporation v. DirecTV Enterprises, Inc., et al., 358 F.3d 870 (Fed. Cir. 2004). In that decision, the Federal Circuit held, under the unique facts of that case, that the phrase “at least one of a desired program start time, a desired program end time, a desired program service, and a desired program type” means “at least one of a desired program start time, at least one of a desired program end time, at least one of a desired program service, and at least one of a desired program type”.

Applicant has used the phrase “at least one of . . . and” in a number of claims and wishes to clarify to the Examiner the proper construction of this phrase. Applicant intended the phrase “at least one . . and” as used in the claims to be an open-ended expression that is both conjunctive and disjunctive in operation. For example, the expression “at least one of A, B and C” mean A alone, B alone, C alone, A and B together, A and C together, B and C together, and A, B and C together. Applicant believes that this construction is consistent with the Examiner’s construction of the claims

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throughout prosecution. If the Examiner disagrees with this construction, Applicant respectfully requests that the Examiner notify Applicant accordingly so that Applicant can further amend the claims.

Accordingly, Applicant believes that the requirements of 37CFR§1.312 and MPEP§714.16 have been satisfied and entry of this amendment is respectfully requested.

Respectfully submitted,

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